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OCC-95-149

07 DEC 1995

MEMORANDUM FOR: JFK Assassination Records Review Board

VIA: Associate Deputy Director for Operations
Associate Deputy Director for Operations/Human Resources and Programs

FROM: Eric L. Qualkenbush
Chief, Office of Central Cover

SUBJECT: Proposed CIA Name Release

1. The Agency strongly objects to the release of names of individuals presently under cover, whether active employees or separated employees. As described below, this action would breach Agency commitments to these individuals who agreed to work under cover in addition to breaching our obligations to the cover providers.

2. Employees sign a secrecy agreement (Attachment A) upon entering on duty with the Agency. This agreement pledges the employee's secrecy to information which is classified and has not been publicly acknowledged by the Agency and requires the employee to protect such information from unauthorized disclosure. This secrecy agreement, as long as it remains in force by mutual agreement, obliges CIA to protect the identities of Agency employees, our cover providers and covert activities.

3. Because this secrecy agreement creates a moral as well as legal bond between the Agency and the employee, it is Agency policy to protect the names of former employees who have separated under cover unless the Agency and the employee mutually agree to remove the cover. Identifying as CIA those employees who are mandated by the Agency to use a cover story, i.e., Department of State or the "ABC" Corporation, for their entire Agency career as well as into their years after separation from the Agency, jeopardizes:

- the personal safety of former employees;

WARNING NOTICE
INTELLIGENCE SOURCES
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- the second careers of former employees;

- the cover and identity of other employees who worked with the covert employee whose name is released as CIA; and,

- the protection of sources and methods (what individual would agree to a clandestine relationship with American intelligence knowing the secret association would become public knowledge?).

4. Examples of how identifying covert employees as CIA will affect individuals follows:

- Mr. Walter McCabe retired under Department of State cover and is currently working in Russia and several Eastern European countries for a private firm which converts "wartime" factories into peacetime use. Revealing his name would damage his relationship with his current employer, his position with the firm and would be awkward at best regarding the host countries. Attachment B is Mr. McCabe's acknowledgement that he was aware he would be denied as a CIA employee and Attachment C is his signed secrecy agreement.

- Attachment D is a signed ackowledgement from Mr. John Whitten who retired under cover in 1970 which shows that he was aware that he would be denied as an employee of the Central Intelligence Agency from the date he entered on duty through the date of his departure. Attachment E is a personal letter received from Mr. Whitten after he was notified that his name might be released in connection with declassification of CIA documents. Attachment F is Mr. Whitten's signed secrecy agreement. It should be noted that Mr. Whitten resides in Austria.

- Attachment G is a Summary of Agency Employment (SAE) written by Mr. Morton M. Palmer and approved by the Agency. Attachment H is a certification by Mr. Palmer that he will abide by what is contained in his SAE and understands disclosure of other information would be in violation of his secrecy

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agreement. Attachment I is Mr. Palmer's signed secrecy agreement. It should be noted that Mr. Palmer resides in Mexico.

5. Our relationship with cover providers would be jeopardized if it became publicly known that they were providing cover to CIA employees. The Department of State could very well raise objections to our future use of State cover. Of increasing importance to the Agency at this time is the critical use of private sector (nonofficial) cover providers. The private sector would no doubt drop contact and avoid future dealings with us if we reveal a covert relationship. Identifying covert relationships with cover providers would paralyze Agency operations which in turn could severely damage national security. In addition, in the past it has exposed CIA to legal liabilities and substantial monetary damages.

6. Headquarters Regulation (HR) 240-1 is the Agency's regulation on cover. It states that "cover is required for all Agency operations, activities and installations abroad, including personnel in PCS or TDY status." HR 240-2, the Agency's regulation on cover after separation, states that "the determination that an employee will retain all or a part of his or her cover after separation from the Agency will be based upon the judgment that separation in an overt status could result in damage to the national security by compromising intelligence sources, methods, activities, and/or information, or cause harm to foreign relations. This determination will be made on a case-by-case basis." Please note that all Agency employees who retire abroad must retire under cover.

7. Release of names of former employees who separated under cover will make the entire Agency cover program vulnerable and detract from our continuing efforts to enhance cover and conduct sometimes dangerous activities necessary to carry out the Agency's mission. We can accept the purpose of the JFK Assassination Records Review Act to declassify documents for public consumption; however, we submit that the release of true names of former Agency employees adds no value to the documents in addition to risking physical harm to these individuals from our public detractors. We propose and emphatically encourage that pseudonyms, aliases or generic job descriptions such as desk officer be used in place of true names which would not diminish the impact of the documents.

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8. After your review and consideration of the above information, we would appreciate notification of your final decision prior to taking any action.

Eric L. Qualkenbush

Attachments:
As stated above

CONCUR:

Associate Deputy Director for Operations/Human Resources and Programs — Date: 8 Dec '95

Associate Deputy Director for Operations — Date: 8 XII 95

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